

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CLIFTON B. HENNINGTON, #2069964	§	
VS.	§	CIVIL ACTION NO. 6:20cv302
KEITH GORSUCH, ET AL.	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DENYING MOTION TO CERTIFY CLASS ACTION**

This action was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation (Docket No. 43) concluding that Plaintiff's motion to certify class action (Docket No. 41) should be denied. Plaintiff has filed objections. Docket No. 45.

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Plaintiff's objections are not specific objections to the Report. Plaintiff merely provides conclusory reasons—unrelated to the specific provisions of FED. R. CIV. P. 23(a)—why he should be allowed to form a class action. Frivolous, conclusory, or general objections need not be considered by the district court. *See Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (*en banc*), *overruled on other grounds by Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*); *see also Valez-Pedro v. Thermo King De Puerto Rico, Inc.*, 465 F.3d 31, 32


(1st Cir. 2006) (explaining that an objecting party must put forth more than “[c]onclusory allegations that do not direct the reviewing court to the issues in controversy.”).

The Court has conducted a careful de novo review of the record and the Magistrate Judge’s proposed findings and recommendations. *See* 28 U.S.C. § 636(b)(1) (explaining the district judge shall “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”). Having reviewed the Report and Plaintiff’s objections, the Court has determined that the Report is correct, and the objections are without merit. It is accordingly

ORDERED that the Report and Recommendation (Docket No. 43) is **ADOPTED**. It is further

ORDERED that the motion to certify class action (Docket No. 41) is **DENIED**.

So **ORDERED** and **SIGNED** this **21st** day of **September, 2020**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE